



10-11-01

Express Mail No. EI 803 540 298 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: James P. HERRICK et al.

Application No.: 09/935,064

Group Art Unit: 1761

Filed: August 21, 2001

Examiner:

For: DEVICE AND METHOD FOR  
ON-DEMAND DISPENSING OF  
SPOONABLE OR DRINKABLE  
FOOD PRODUCTS HAVING VISUAL  
APPEARANCE OF MULTI-COMPONENTS

Attorney Docket No.: 88265-7079

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Assistant Commissioner for Patents  
United States Patent & Trademark Office  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of NonProvisional Application (hereinafter the "Notice") mailed by the U.S. Patent and Trademark Office on October 2, 2001 in connection with the above-captioned application, Applicants submit herewith the following documents:

- (1) Inventors Declaration; copy of application;
- (2) Copy of Notice;
- (3) Executed Power of Attorney By Assignee;
- (4) Executed Assignment and Assignment Recordation Cover Sheet;
- (5) Request for Correction of Filing Receipt; and
- (6) Submission of Formal Drawings for Figs. 1-23 (12 sheets).

In accordance with the Notice, the surcharge for late filing of the declaration is estimated to be \$130.00 for a small entity. Please charge the required filing fees to WINSTON & STRAWN Deposit Account No. **501-814**. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: 10/8/01

Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN  
200 Park Avenue  
New York, New York 10166-4193  
(212) 294-6700

Enclosures



10-11-01

Receipt

\$  
3

Express Mail No. E1 803 540 298 US

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Attorney Docket No.: 88265-7079

REQUEST FOR CORRECTION OF FILING RECEIPT

Office of Initial Patent Examination  
Customer Service Center  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

A filing receipt for the above-identified application has been received and the following corrections are respectfully requested:

Please insert the names and addresses of the inventors to read:

--James Peter HERRICK - Brockville, Connecticut  
William OVERBAUGH - Lakeside, Connecticut  
Richard J. FARRELL - New Milford, Connecticut--

A copy of the filing receipt with the requested change noted thereon is attached, along with a copy of the inventors' declaration in support thereof.

No fee is believed to be due for this request. Should any fees be required, however, please charge such fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

Date: \_\_\_\_\_

10/8/01

  
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN  
200 Park Avenue  
New York, New York 10166-4193

Enclosures

(212) 294-6700



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------|----------|------------|------------|
| 09/935,064         | 08/21/2001  | 1761         | 0.00          | 88265-7079       | 13       | 50         | 3          |

28765  
WINSTON & STRAWN  
200 PARK AVENUE  
NEW YORK, NY 10166-4193



CONFIRMATION NO. 7759

## FILING RECEIPT



\*OC000000006828143\*

Date Mailed: 10/02/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

James Herrick, ~~Residence Not Provided:~~ →

Pls. insert

James Peter HERRICK - Brockville, Connecticut  
William OVERBAUGH - Lakeside, Connecticut  
Richard J. FARRELL - New Milford, Connecticut

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 10/01/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Device and method for on-demand dispensing of spoonable or drinkable food products having visual appearance of multi-components

## Preliminary Class

426

LICENSE FOR FOREIGN FILING UNDER



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/935,064         | 08/21/2001          | James Herrick         | 88265-7079             |

28765  
WINSTON & STRAWN  
200 PARK AVENUE  
NEW YORK, NY 10166-4193



CONFIRMATION NO. 7759

## FORMALITIES LETTER



\*OC000000006828144\*

Date Mailed: 10/02/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

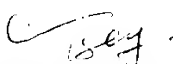
FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$540.  
    ■ \$540 for 30 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1380.**

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/15/2001 SSESHE1 00000087 501814 09935064  
01 FC:101 740.00 CH  
02 FC:103 540.00 CH  
03 FC:105 130.00 CH



#4

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Attorney Docket No.: 88265-7079

SUBMISSION OF FORMAL DRAWINGS

Assistant Commissioner for Patents  
United States Patent & Trademark Office  
Washington, D.C. 20231

Sir:

Applicants respectfully submit herewith twelve (12) sheets of formal drawings, corresponding to Figs. 1-23 and request entry of the enclosed drawings into the file of the above-identified application.

It is estimated that no fee is required for transmittal of the formal drawings. In the event a fee is required, please charge the required fee to Winston & Strawn Deposit Account No. 501-814. A copy of this sheet is enclosed.

Respectfully submitted,

Date:

10/8/01

Allan A. Fanucci

(Reg. No. 30,256)

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